

## Message Text

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SUBJ: EC AGRICULTURE COUNCIL, JULY 18-19, 1977: INTERNAL  
FISHING REGIME

REF: (A) BRUSSELS 6977, (B) 76 THE HAGUE 6050,  
(C) 76 EC BRUSSELS 9340, (D) 76 EC BRUSSELS 9332

### 1. SUMMARY:

THE EC AGRICULTURE MINISTERS AGREED JULY 18 ON HERRING  
FISHING BANS IN THE NORTH SEA AND IN WATERS OFF IRELAND.  
THE MINISTERS MADE NO PROGRESS, HOWEVER, ON AN EC  
INTERNAL FISHING REGIME, POSTPONING FURTHER DISCUSSION  
UNTIL OCTOBER. END SUMMARY.

### 2. STATEMENT BY COMMISSIONER GUNDELACH:

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EC COMMISSION VICE PRESIDENT GUNDELACH DELIVERED A  
LENGTHY STATEMENT TO THE COUNCIL ON THE COMMISSION'S  
VIEWS ON THE IMPERATIVES WHICH MUST SHAPE AN INTERNAL  
REGIME UNDER A COMMON FISHERIES POLICY. EXTENSIVE AND  
DETAILED, HIS REMARKS ARE INSTRUCTIVE AS TO THE COM-  
MISSION'S OBJECTIVES IN THIS SENSITIVE FIELD AND, WE  
THINK, MERIT CLOSE ATTENTION. A SUMMARY OF THOSE REMARKS

FOLLOWS:

A. CONSERVATION AND MANAGEMENT OF STOCKS:

GUNDELACH NOTED THAT, IN MOST CASES, STOCKS IN THE EC FISHING GROUNDS HAVE NATURAL MIGRATION CYCLES EXTENDING THROUGH ZONES UNDER THE JURISDICTION OF TWO OR MORE MEMBER STATES AND, IN SOME CASES, INTO ZONES UNDER THE JURISDICTION OF NON-MEMBER STATES AS WELL. SOME EXAMPLES:

(I) COALFISH, WHOSE SPAWNING GROUNDS LIE IN ICES ZONES IV-A, V-B, AND VI-A, INVOLVING (APART FROM THE EC) NORWAY AND THE FAROE ISLANDS, AND WHOSE FISHING ZONES COVER ALL OF ICES ZONES IV, V, VI, AND VII; (II) COD, WHOSE SPAWNING GROUNDS LIE IN ICES ZONES IV-A-B-C AND VI-A (UK, NETHERLANDS, DENMARK, FRANCE, BELGIUM AND NORWAY) AND WHOSE FISHING ZONES COVER ALL OF ICES ZONES IV, V, VI, AND VII; (III) NORTH SEA HERRING, WHOSE SPAWNING GROUNDS LIE IN ICES ZONES IV AND VII, WITH YOUNG FISH MOVING THROUGHOUT THE NORTH SEA DEPENDING ON THE SEASON; AND (IV) MACKEREL, FOR WHICH OVERLAPPING OF BREEDING GROUNDS AND AREAS OF DISTRIBUTION IS STILL MORE COMPLEX IN VIEW OF THE INTERDEPENDENCE FOR CERTAIN PERIODS OF TWO BIOLOGICALLY DIFFERENT BUT MIXED STOCKS, AND FOR WHICH CONSERVATION REQUIRES CONCERTED MEASURES COVERING MOST OF ICES ZONES III, IV, V, AND VII. ACCORDING TO GUNDELACH, WITH SOME VERY RARE EXCEPTIONS, NO INDIVIDUAL LIMITED OFFICIAL USE

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EC MEMBER STATE CAN MAINTAIN THAT A FISH STOCK DEPENDS SOLELY ON WATERS WITHIN ITS JURISDICTION AND, THEREFORE, NO MEMBER STATE CAN CLAIM THE CAPACITY TO PROTECT SUCH A STOCK BY ITSELF. THE PROTECTION AND RECONSTITUTION OF A STOCK DEPEND UPON A COMBINED EFFORT WITH OTHER MEMBER STATES AND, IN SOME CASES, WITH NON-EC STATES AS WELL.

B. QUOTAS:

ALLOCATION OF QUOTAS AMONG EC MEMBER STATES CAN BE UNDERTAKEN ONLY AFTER FIXING OF TOTAL ALLOWABLE CATCHES (TAC) BY SPECIES AND AFTER CONSIDERATION OF WHETHER A STOCK IS TO BE FOUND BOTH IN EC WATERS AND IN THIRD COUNTRY WATERS, NECESSITATING FURTHER DIVISION OF THE TAC WITH THE COUNTRIES CONCERNED. IN THIS SENSE, QUOTAS ARE NOT A SYSTEM OF CONSERVATION MEASURES; THEY ARE MERELY AN INSTRUMENT OF THE OVERALL CONSERVATION MEASURE OF FIXING TAC'S. GUNDELACH ATTACKED DIRECTLY THE UK'S LONG-STANDING ARGUMENT THAT, IN VIEW OF THE SIZE OF THE UK CONTRIBUTION TO THE EC "POND", THE BRITISH SHOULD BE ASSURED PROPORTIONALLY LARGER CATCHES. HE ASSERTED THAT "THE IDEA OF A CONTRIBUTION BY A MEMBER STATE TO THE VOLUME OF THE RESOURCES AVAILABLE TO THE

COMMUNITY, TO BE EVALUATED ON THE BASIS OF CATCHES RECORDED IN ITS NATIONAL ZONE, CANNOT BE JUSTIFIED AS A CRITERION FOR ALLOCATING QUOTAS."

C. SOCIO-ECONOMIC CONSIDERATIONS:

THERE IS ADMITTEDLY AN ELEMENT OF CONFLICT BETWEEN MEDIUM-TERM CONSERVATION MEASURES AND THE IMMEDIATE SOCIO-ECONOMIC REQUIREMENTS OF FISHING COMMUNITIES. THIS CONFLICT, GUNDELACH CONTINUED, IS NOT ITSELF LONG-TERM, BUT LASTS ONLY AS LONG AS STOCKS REMAIN OVER-EXPLOITED. THE COMMISSION'S APPROACH TO THIS PROBLEM WILL CENTER ON SPECIFIC MEASURES FOR GENERAL DISTRIBUTION OF AVAILABLE RESOURCES; THESE MEASURES SHOULD BE BASED UPON HISTORIC LIMITED OFFICIAL USE

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PERFORMANCE OVER A PERIOD OF TIME WITHIN AFFECTED REGIONS AND ON LOSSES INCURRED BY EACH MEMBER STATE IN THE FISHING ZONES OF NON-MEMBER COUNTRIES SINCE THE ADVENT OF GENERALIZED 200-MILE ZONES, ASSESSED IN THE CONTEXT OF ECONOMIC FISHING INTERESTS BY SPECIES RATHER THAN IN A

NARROW GEOGRAPHICAL SENSE. (COMMENT: THIS WOULD TAKE INTO ACCOUNT UK LOSSES IN ICELANDIC WATERS.) GUNDELACH NOTED THAT, IN TIMES OF ECONOMIC DIFFICULTY, "A COASTAL STRIP OF NOT MORE THAN 12 MILES (ARTICLE 101 OF THE EC ACCESSION TREATY), WHERE ACCESS IS GOVERNED BY SPECIFIC RULES THAT ARE SUFFICIENTLY RESTRICTIVE TO ELIMINATE THE USE OF OVERSOPHISTICATED TECHNIQUES, BECOMES OF ADDED INTEREST WHEN CONSIDERING THE NEEDS OF SMALL-SCALE FISHING UNDERTAKINGS, OFTEN OF A FAMILY NATURE AND USING FAIRLY SIMPLE GEAR." THE COMMISSION, HE SAID, BELIEVES THAT SPECIAL FISHING RIGHTS CLAIMED IN THESE ZONES IMPLY COMPLIANCE WITH BOTH CATCH RESTRICTIONS BY SPECIES AND STRICT TECHNICAL LIMITS ON GEAR AND VESSEL TYPES. GUNDELACH CONCLUDED THAT "THE SOLUTION TO THE SOCIO-ECONOMIC PROBLEMS IN REGIONS HEAVILY DEPENDENT ON CERTAIN LIMITED OFFICIAL USE

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FISHERIES MUST BE SOUGHT NBY REFERENCE TO THE NATURAL CONDITIONS FOR FISHING THE PARTICULAR STOCKS THAT CONTRIBUTE TO THE INCOME OF SUCH REGIONS." THE COMMISSION BELIEVES THAT ALLOCATIONS FOR SUCH REGIONS MUST BE PROTECTED BY "GUARANTEEING A PRIORITY OF ACCESS TO THE STOCKS CONCERNED AND TAKING A REASONABLE VIEW AS TO THEIR LOCATION AT THE PERIOD OR PERIODS OF THE YEAR WHEN FISHING IS INDICATED." SUCH CONTROL OF FISHING EFFORT IN THE REGIONS CONCERNED COULD, IN THE COMMISSION VIEW, BE ACCOMPLISHED THROUGH MEMR STATE FISHING PLANS, ALTHOUGH OTHER METHODS ARE NOT EXCLUDED. IN CONCLUSION, GUNDELACH STRESSED THAT THE SOCIO-ECONOMIC AIMS ENVISAGED BY THE COMMISSION CAN BE ACHIEVED LLTHOUT EXTENDED EXCLUSIVE COASTAL BANDS (COMMZ ZA HARD STAND AGAINST THE UK AND IRELAND).

#### D. CONTROL MEASURES:

THESE MUST BE DESIGNED TO: (I) ENSURE THAT QUOTAS FOR MOST DEPLETED STOCKS ARE NOT EXCEEDED; AND (II) KEEP TRACK OF FISHING ACTIVITIES THROUGH SYSTEMATIC AND CONTINUOUS PROCESSING OF CATCH DATA ACCORDING TO FISHING AREAS, SPECIES, AND LANDINGS.

#### E. COMMISSION PROPOSALS:

SINCE RAPID ACTION ON AN INTERNAL REGIME IS REQUIRED, THE COMMISSION WILL SUBMIT TO THE COUNCIL AS SOON AS TECHNICALLY FEASIBLE: (I) A SERIES OF PROPOSALS ESTABLISHING, FROM JANUARY 1, 1978, SPECIFIC CONSERVATION MEASURES REGULATING BY-CATCHES, MESH SIZES, AND OTHER FACTORS, "IN ACCORDANCE WITH RECOMMENDATIONS ARISING FROM WORK

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CARRIED OUT IN INTERNATIONAL SCIENTIFIC BODIES;" (II) PROPOSALS ON STRUCTURE AND FINANCING OF CONSERVATION CONTROL MEASURES; AND (III) ESTIMATED FIGURES FOR 1978, SHOWING THE CONSEQUENCES FOR MEMBER STATES OF A CONSERVATION AND MANAGEMENT POLICY BASED ON THE PRINCIPLES PROPOSED BY THE COMMISSION LAST AUTUMN (REFTELS C AND D) OR BASED ON THE APPROACH ADOPTED BY THE FOREIGN MINISTERS DURING THEIR OCTOBER 30, 1976 MEETING IN THE HAGUE (76 THE HAGUE 6050), THUS ALLOWING THE COUNCIL TO DECIDE ON THE ACTUAL FISHING POTENTIAL TO BE DIVIDED AMONG THE MEMBER STATES.

F. THERE SHOULD BE AN EXAMINATION OF CHANGES NECESSARY IN THE MARKETING OF FISH AND FISH PRODUCTS IN THE LIGHT OF A COMMON FISHERIES POLICY DEVELOPED TO SUIT 200-MILE ZONES.

### 3. MEMBER STATE REACTION:

GUNDELACH'S PRESENTATION DREW PREDICTABLE FIRE FROM THE UK AND IRELAND ON THE QUESTION OF EXCLUSIVE ZONES. GUNDELACH'S REJECTION OF THE UK'S REVISED POSITION IN FAVOR OF EXCLUSIVE RIGHTS UP TO 12 MILES AND PREFERENTIAL ACCESS BEYOND THAT LIMIT AND UP TO 50 MILES (BRUSSELS 6977) RESULTED IN UK AGRICULTURE MINISTER SILKIN'S CHARACTERIZATION OF THE DEBATE TO REPORTERS AS "GETTING NOWHERE SLOWLY." IT WAS FINALLY AGREED THAT THE AGRICULTURE MINISTERS SHOULD TAKE UP THE INTERNAL REGIME AGAIN DURING THEIR OCTOBER 10-11 MEETING AND THAT A SPECIAL FISHERY COUNCIL SHOULD BE HELD OCTOBER 24-25. SILKIN TOLD THE PRESS THAT, UNLESS THE COMMISSION AND OTHER MEMBER STATES SHOWED GREATER FLEXIBILITY, HMG MIGHT BE FORCED TO REVERT TO ITS ORIGINAL DEMAND FOR AN EXCLUSIVE 50-MILE ZONE AND TO CONSIDER TAKING UNILATERAL MEASURES, AS WELL. IRISH FISHERIES MINISTER LENIHAN EMPHASIZED TO REPORTERS THAT HIS GOVERNMENT WAS CONCEDED NOTHING ON NATIONAL ZONES, ADDING THAT "THE CRUNCH WILL COME" AT THE OCTOBER FISHERY

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4. HERRING FISHING BANS:

THE UK MANAGED A MINOR VICTORY ON NORTH SEA HERRING WHEN THE COUNCIL VOTED (8 TO 1 FOR A QUALIFIED MAJORITY WITH ONLY DENMARK OPPOSING) TO A BAN ON CATCHING HERRING BY DIRECT FISHING IN THE NORTH SEA UNTIL SEPTEMBER 30, 1977, IN ICES SUB-ZONE IV AND DIVISION VII-D. UNDER THE TERMS OF THE REGULATION, MEMBER STATES ARE, HOWEVER, AUTHORIZED TO CATCH NORTH SEA HERRING WHEN FISHING DIRECTLY FOR OTHER SPECIES, UP TO A LIMIT OF TEN PERCENT BY WEIGHT OF SPRAT CATCHES AND 5 PERCENT BY WEIGHT OF CATCHES OF NORWAY POULT, SAND EEL, AND OTHER SPECIES ON EACH VOYAGE, SUBJECT TO NATIONAL QUOTAS SPECIFIED BY THE COUNCIL. THE COUNCIL AGREED TO DECIDE ON A POSSIBLE EXTENSION OF THE NORTH SEA HERRING BAN AT ITS SEPTEMBER 26-27 MEETING AND INSTRUCTED COREPER TO REEXAMINE SCIENTIFIC DATA PRIOR TO THAT DISCUSSION.

5. IRELAND ALSO SCORED PARTIAL GAINS WHEN THE COUNCIL AGREED TO: (A) A BAN ON DIRECT HERRING FISHING IN THE LIMITED OFFICIAL USE

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IRISH SEA (ICES DIVISION VII) UNTIL DECEMBER 31, 1977, IN A 12-MILE ZONE STARTING FROM THE BASE-LINES OFF THE EAST COASTS OF NORTHERN IRELAND AND IRELAND BETWEEN 53 DEGREES 20 MINUTES AND 54 DEGREES 40 MINUTES LATITUDE NORTH; AND

(B) A BAN ON DIRECT HERRING FISHING IN PART OF THE WATERS OFF WEST IRELAND, BOUNDED AS FOLLOWS: NORTH: LATITUDE 54 DEGREES 30 MINUTES N; SOUTH: LATITUDE 52 DEGREES 30 MINUTES N; WEST: LONGITUDE 13 DEGREES W; AND EAST: THE IRISH COAST. IRISH FISHERIES MINISTER LENIHAN EMPHASIZED TO REPORTERS THAT THE GOI'S AGREEMENT TO THIS SCHEME (WHICH WILL ALLOW HERRING FISHING ON A QUOTA BASIS OFF THE IRISH COAST BY OTHER MEMBER STATES THROUGH THE END OF 1977 (FULL LIST OF QUOTAS BEING SENT BY AIRGRAM) IN NO WAY COMPROMISES ITS STAND ON 50-MILE EXCLUSIVE ZONES.

6. THE COUNCIL ALSO AGREED ON A REGULATION BANNING HERRING FISHING IN ICES DIVISION VII - F (THE BRISTOL CHANNEL) UNTIL DECEMBER 31, 1977.

7. HERRING FISHING FOR INDUSTRIAL PURPOSES:

THE COUNCIL CONSIDERED A COMMISSION PROPOSAL FOR A REGULATION WHICH WOULD PROHIBIT THE DIRECT FISHING OF HERRING FOR INDUSTRIAL PURPOSES IN EC WATERS AND THE LANDING IN THE EC OF SUCH CATCHES, NO MATTER WHAT THE ORIGIN. THE REGULATION WAS AGREED IN PRINCIPLE, SUBJECT TO CONSIDERATION OF A FORMAL OPINION TO BE SUBMITTED BY THE EUROPEAN PARLIAMENT.

8. NORWAY POUT:

THE COUNCIL APPROVED A REGULATION BANNING FISHING FOR NORWAY POUT FROM SEPTEMBER 1, 1977, UNTIL OCTOBER 15, LIMITED OFFICIAL USE

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1977, IN THE NORTH SEA. THE MEASURE IS INTENDED TO CONSERVE STOCKS OF YOUNG HADDOCK AND WHITING WHICH MIGHT OTHERWISE BE CAUGHT AS BY-CATCHES AND IS TO BE REVIEWED BEFORE ITS EXPIRATION IN THE LIGHT OF ADDITIONAL INDEPENDENT SCIENTIFIC OPINION.

9. HERRING IMPORTS:

IN ORDER TO ALLEVIATE THE DIFFICULT COMMUNITY SUPPLY SITUATION RESULTING FROM THE HERRING FISHING BANS, THE COUNCIL ADOPTED A REGULATION SUSPENDING UNTIL DECEMBER 31, 1977 THE COMMON EXTERNAL TARIFF DUTIES (AMOUNTING TO 7 PERCENT) ON THE FOLLOWING PRODUCTS INTENDED FOR THE PROCESSING INDUSTRY:

--FILLETS OF HERRING, FRESH, CHILLED OR FROZEN (EX 03.01 B II A) AND B II B) 7 OF THE CXT);

--HERRING, DRIED, SALTED OR IN BRINE, WHOLE, HEADLESS OR IN PIECES (EX 03.02 A I A) OF THE CXT);

--FILLETS OF HERRING, DRIED, SALTED OR IN BRINE  
(EX 03.02 A II D) OF THE CXT);  
--SO-CALLED BONELESS HERRING, PREPARED OR PRESERVED IN  
VINEGAR, PUT UP IN BARRELS OR OTHER CONTAINERS CONTAINING  
NOT LESS THAN 10 KG (EX 16.04 C II OF THE CXT);  
--HERRINGS, SPICED AND SALTED, PUT UP IN BARRELS (EX 16.04  
C II OF THE CXT). HINTON

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